

Attachment 5

Original Proposal

Rule R307-210

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/21/2006 at 1:30 PM, Division of Air Quality, 150 N 1950 W, Main Conference Room, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan.

R307-110-36. Section XXII, Interstate Transport.

The Utah State Implementation Plan, Section XXII, Interstate Transport, as most recently adopted by the Utah Air Quality Board on February 7, 2007, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: [December 6, 2006] 2007

Notice of Continuation: June 16, 2006

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(e)

Environmental Quality, Air Quality

R307-210

Stationary Sources

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 29228

FILED: 11/15/2006, 11:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R307-210 incorporates by reference most of 40 CFR Part 60, federal requirements for stationary sources. The purpose of this amendment is to update Utah's rule to incorporate the latest federal requirements, and to exclude from incorporation the recent Subpart HHHH which regulates mercury emissions from electric generating units (see filings on Rules R307-220, R307-224, and R307-424). (DAR NOTE: The proposed amendment for Rule R307-220 is under DAR No. 29229, the proposed new Rule R307-224 is under DAR No. 29230, and the proposed new Rule R307-424 is under DAR No. 29231 in this issue, December 1, 2006, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: This amendment adds to Rule R307-210 the incorporation of federal amendments to Part 60 that became effective between July 2005, and June 30, 2006. Affected sources are already subject to the regulations; incorporating them allows Utah to enforce these regulations as they affect sources in Utah. The alternative would be federal enforcement on Utah sources. The changes added this year are the following: 1) May 18, 2005, 70 FR 28606; 70 FR 62213, October 28, 2005; and June 9, 2006, 71

FR 33388. Electric Utility Steam Generating Units. Amend Subparts A, B, Da, HHHH, and Appendix B. (NOTE: Subpart HHHH is specifically excluded from incorporation by reference into Rule R307-210; see separate filing in this issue for Rule R307-224, where parts of Subpart HHHH are incorporated.) In these actions, the Environmental Protection Agency (EPA) finalized the Clean Air Mercury Rule (CAMR) and established standards of performance for mercury (Hg) for new and existing coal-fired electric utility steam generating units (Utility Units), as defined in Clean Air Act (CAA) section 111. The amendments to CAA section 111 rules establish a mechanism by which Hg emissions from new and existing coal-fired Utility Units are capped at specified, nation-wide levels. Allowances are readily transferable among all regulated facilities. The EPA also amended the definition of "designated pollutant" to conform to EPA's interpretation of the provisions of CAA section 111(d)(1)(A). The final rule was effective on June 9, 2006; 2) September 22, 2005, 70 FR 55568. Amend the definitions in Subpart CCCC, Commercial and Industrial Solid Waste Incinerators. (NOTE: There are no existing sources in Utah subject to this rule.) With this action, EPA promulgated revised definitions for the terms "solid waste", "commercial or industrial waste", and "commercial and industrial solid waste incineration unit". The final rule was effective September 22, 2005; 3) December 16, 2005, 70 FR 74869. Amendments to Subpart A, and add new Subparts EEEE and FFFF, Other Solid Waste Incineration Units. (NOTE: There are no existing sources in Utah subject to this rule.) EPA promulgated new source performance standards (NSPS) and emission guidelines for new and existing "other" solid waste incineration units (OSWI). The final rules address only the incineration of nonhazardous solid wastes. The rules were effective on February 14, 2006, and June 16, 2006; 4) December 16, 2005, 70 FR 74679. Correct the definition of "Annual capacity factor" in Subpart Dc, 40 CFR 60.41c, Electric Generating Units; 5) February 24, 2006, 71 FR 9453. Amend Subpart GG, Stationary Gas Turbines. Revise certain portions of the standards of performance for stationary gas turbines to clarify that EPA is not imposing new requirements for turbines constructed after 1977. Owners and operators of existing and new turbines may use monitoring that meets the pre-existing monitoring requirements. In addition, EPA described a number of acceptable compliance monitoring options that owners and operators may elect to use for these units. The rule was effective on April 25, 2006; 6) February 27, 2006, 71 FR 9865. Amendments to Subparts Da, Db, and Dc, Electric Utility Steam Generating Units. This action amends standards for performance for nitrogen oxides (NOX), sulfur dioxide (SO2), and particulate matter (PM) contained in the new source performance standards (NSPS) for electric utility steam generating units and industrial-commercial-institutional steam generating units. The rule was effective on February 27, 2006; 7) May 10, 2006, 71 FR 27324. Amend Subpart E, Large Municipal Waste Combustors. (NOTE: There are no Utah sources subject to this rule.) As part of amendments to the air emission standards for existing and new large municipal waste combustor (MWC) units, EPA revised Subpart E, applicability and designation of affected facility. The amendments to Subpart E became effective May 10, 2006; and 8) June 1, 2006, 71 FR 31100. This action

corrects a minor wording error in the monitoring requirements in Subpart A. This correction is effective June 1, 2006.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(3)(q)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 60, effective July 1, 2006, except for Subparts Cb, Cc, Cd, Ce, BBBB, DDDD, and HHHH

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no costs to the state budget because all costs to the state are offset by the fees paid by the sources under the Operating Permits program, Rule R307-415.

❖ **LOCAL GOVERNMENTS:** There is no additional cost to local governments, as the cost of enforcing the regulations is covered by the fees paid by the affected sources for their permits under Rule R307-415, Operating Permits.

❖ **OTHER PERSONS:** All of these rules are in effect federally and sources already are subject to any of the costs that may result. (Note: The following numbered items correspond to the numbers under the "summary of the rule change" above.)

- 1) There are no appreciable costs for this rulemaking action because the costs are associated with the addition of 40 CFR part 60 Subpart HHHH, which is not being incorporated into Rule R307-210. (See separate filing in this issue on Rule R307-224, where parts of HHHH are being incorporated.)
- 2) No Utah sources are subject to this rule, and thus there are no costs or benefits.
- 3) No Utah sources are subject to this rule, and thus there are no costs or benefits.
- 4) This is a minor correction with no cost or benefits expected.
- 5) There are no additional costs to sources affected by the rule, as the rule change simply clarified options available to the sources.
- 6) There are no costs to affected sources as the control equipment required to meet the new standards is the same as that required to meet the old standards. Benefits to the public in lower emissions are small.
- 7) No Utah sources are subject to this rule, and thus there are no costs or benefits.
- 8) The change is a minor correction that has no effect on costs or benefits.

COMPLIANCE COSTS FOR AFFECTED PERSONS: All of these rules are in effect federally and sources already are subject to any of the costs that may result. (Note: The following numbered items correspond to the numbers under the "summary of the rule change" above.)

- 1) There are no appreciable costs for this rulemaking action because the costs are associated with the addition of 40 CFR part 60 Subpart HHHH, which is not being incorporated into Rule R307-210. (See separate filing in this issue on Rule R307-224, where parts of HHHH are being incorporated.)
- 2) No Utah sources are subject to this rule, and thus there are no costs or benefits.
- 3) No Utah sources are subject to this rule, and thus there are no costs or benefits.
- 4) This is a minor correction with no cost or benefits expected.
- 5) There are no additional costs to sources affected by the rule, as the rule change simply clarified options available to the sources.
- 6) There are no costs to affected sources as the control equipment required to meet the new standards is the same as that required to meet the old

standards. Benefits to the public in lower emissions are small.

- 7) No Utah sources are subject to this rule, and thus there are no costs or benefits.
- 8) The change is a minor correction that has no effect on costs or benefits.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no appreciable costs for business in incorporating these federal rules into Utah's rules, because the affected businesses already are subject to the federal requirement. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/02/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/12/2006 at 1:30 PM, DEQ Building, 169 N 1950 W, Room 201, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/07/2007

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-210. Stationary Sources.

R307-210-1. Standards of Performance for New Stationary Sources (NSPS).

The provisions of 40 Code of Federal Regulations (CFR) Part 60, effective on July 1, [2005]2006, except for Subparts Cb, Cc, Cd, Ce, BBBB, [and] DDDD, and HHHH, are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "executive secretary" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

KEY: air pollution, stationary sources, new source review

Date of Enactment or Last Substantive Amendment: [June-15, 2006]2007

Notice of Continuation: June 16, 2006

Authorizing, and Implemented or Interpreted Law: 19-2-104(3)(q); 19-2-108

◆ ————— ◆